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SUBJECT: REQUEST FOR CHILD LABOR INFORMATION FOR TRADE AND DEVELOPMENT ACT (GSP) 2008 REPORT

REF: 08 STATE 127448

¶1. The information in this cable is in response to the questions under points A through E in paragraph 9 of reftel.

¶2. A. Cote d'Ivoire has ratified International Labor Organization (ILO) Convention 138 regarding the minimum age for employment and ILO Convention 182 regarding the worst forms of child labor. In February 2007, the Ministries of Family and Social Affairs and Labor and Public Administration, along with their NGO partners, proposed a bill outlawing child trafficking and the worst forms of child labor. The bill awaits approval by the Council of Ministers. If approved by the Council, the bill must be voted on by the National Assembly before it becomes law.

The minimum age for employment in Cote d'Ivoire is 14 and the minimum age for admission to hazardous work is 18. Articles 22.2 and 23.1 of the Labor Code, which was adopted on January 12, 1995, forbid night work and hazardous work by children. Article 22.3 of the Labor Code provides that the rest period provided to workers under 18 must be at least 12 consecutive hours long. Article 23.9 of the Labor Code provides that a child cannot be in a job that is recognized as being beyond the child's strength. Article 337 of the Penal Code punishes facilitating the debauchery or corruption of minors. Articles 354 to 360 of the Penal Code punish sexual violence against children. Article 362 of the Penal Code punishes violence against children under 15 as well as depriving children of food and care to the extent of threatening their lives. Article 370 of the Penal Code punishes kidnapping of minors. The minimum age for military recruitment and/or involvement in armed conflict is 18.

Ministerial Decree 2250 of March 14, 2005 established a list of occupations the government considers the worst forms of child labor. In the agricultural and forestry sector they are: logging, burning of fields, application of chemicals, application of chemical fertilizer, utilizing chemicals in nurseries, and carrying heavy loads. In the mining sector they are: drilling and blasting, transporting stone fragments or blocks, crushing of stone, the extraction of ore using chemicals such as sodium cyanide and sulfuric acid and sulfur dioxide, and work in underground mines. In the commercial and domestic service sectors they are: sale of pornographic material, work in bars, and garbage picking. There are no penalties for violation of the prohibition on the worst forms of child labor.

¶3. B. According to the Ministry of Civil Service and Labor, there are no legal remedies available to government agencies that enforce child labor and worst forms of child labor laws because there is no law specifically outlawing child trafficking and the worst forms of child labor. Because no legal recourse exists to punish those who engage in the worst forms of child labor, violations are rarely investigated or addressed. Although other laws exist which could be used to prosecute perpetrators (laws forbidding mistreatment of children, for example), judges lack training on applying these laws to child labor cases, and thus rarely convict

offenders.

On September 20, 2007, the Government of Cote d'Ivoire adopted a National Action Plan Against Trafficking and the Worst Forms of Child Labor that covers the period September 2007 to December 2009. The government promised to disburse 1 billion 900 million CFA (USD 3.8 million) out of a total budget of three billion 200 million CFA (USD 6.5 million) over 3 years starting in 2008. However, the government did not disburse any funds in 2008. Aside from the National Action Plan, the government devotes minimal material or financial resources to the child labor problem and relies heavily on assistance from international donors and NGOs.

Although regional labor inspectors routinely visit legally established companies at least once a year, no labor inspectors are solely dedicated to addressing child labor. The National Police have a training program for officers that includes training on child trafficking and the worst forms of child labor. The Deputy Director of the Juvenile Delinquency and Anti-Child Trafficking Unit of the National Police said that from June 2006 through March 2008, 624 officers have been trained on these issues.

Because the Ministry of Justice does not keep any statistics on judicial cases brought to tribunals throughout the country, it is impossible to know how many offenders have been convicted or fined for child labor violations. There are no systematic investigations of child labor violations.

**¶4. C.** The government has not directly provided awareness-raising and/or training activities for officials charged with enforcing child labor laws or worst forms of child labor laws. However, the government has collaborated with organizations such as the International Cocoa Initiative, German aid agency GTZ, and ILO to provide such training to prefects, deputy prefects, police officers, and judges. In 2008, using funding from GTZ, the Ministry of Labor and Civil Service continued to create and operate watchguard committees in the departments of Aboisso, Abengourou, Sinfra, and Oume. In July 2008, the National Committee for the Fight Against Child Trafficking and Children's Exploitation created a committee in the region of Bondoukou, located in the northeast, and in the region of Daloa, located in the center-west, to coordinate the awareness-raising and monitoring carried out by the committees created in previous years at the department and village levels. These regional committees were headed by prefects and the regional directors of the Ministry of Family and Social Affairs. The committee in Daloa opened transition schools that permitted 107 destitute children (62 boys and 47 girls) aged between 7 and 12, at risk of being trafficked, to be reinserted into regular schools.

**¶5. D.** Cote d'Ivoire's policy on child labor is elaborated in the National Action Plan Against Trafficking and the Worst Forms of Child Labor, which was adopted in September 2007. The plan was drafted jointly by the Ministry of Labor and Civil Service and the Ministry of Family and Social Affairs. The plan includes the building and rehabilitation of 10 shelters nationwide. The government has announced the creation of an inter-ministerial body to ensure follow-up of the implementation of the plan. Action on the plan has stalled, however, as the Ministry of Economy and Finances has not disbursed funds needed to implement plan objectives.

Cote d'Ivoire's Poverty Reduction Strategy Paper (PRSP), dated December 11, 2008, notes that child labor is one of the results of poverty and that the lack of national labor/employment policies is one of the reasons why child labor persists. The PRSP highlights the needs of street children, some of whom work as vendors. The PRSP calls for increasing equal access to education, improving the quality of education, and making efforts to keep children in school. It calls for improvements in school infrastructure, staffing, and materials. The PRSP also calls for greater efforts to protect and reintegrate street children, child laborers, and victims of trafficking as well as returning street children

to their homes or identifying other appropriate care for them. The PRSP states that funding should be made available to carry out the National Action Plan Against Trafficking and the Worst Forms of Child Labor.

Education is free in law. However, in practice, many parents do not send their children to school because they cannot afford registration fees, books, and/or uniforms. Education is not compulsory in law or practice.

**¶6. E.** Children work predominantly in the agricultural sector. The large majority of them are from Burkina Faso, Mali, and other neighboring West African countries. Children also work in the informal urban sector as apprentices, laborers, and/or domestic staff.

Cote d'Ivoire is making slow, but steady progress on eliminating the worst forms of child labor. Nearly all of the ministries implicated in the child labor issue have managed to step up their training and sensitization programs with the help of international partners. One key blind spot, however, remains the Ministry of Justice, where much work remains to be done to ensure that offenders do not continue to escape prosecution for child labor-related offenses.

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